

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELIZABETH HORTON,

Plaintiff,

VS.

DON WILLIAMS, et al.,

Defendants.

CASE NO. 2:06-CV-00526-MHT-DRB

MOTION TO STRIKE HEARSAY IN PLAINTIFF'S AFFIDAVIT

Comes now Defendant Gerald Shockley, by and through counsel, Troy King, Attorney General of Alabama, and Jack Wallace, Jr., Assistant Attorney General to move to strike paragraph 10 from Plaintiff's affidavit filed in opposition to the Defendant's motion for summary judgement. As grounds for his motion, Defendant Shockley respectfully represents that paragraph 10 contains hearsay that is inadmissible under the Federal Rules of Evidence or any other rules or statutes.

Respectfully submitted on this the 19th day of March, 2008.

TROY KING
ATTORNEY GENERAL

/s/ Jack Wallace, Jr.
Jack Wallace, Jr.
Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I have, this the 19th day of March, 2008, electronically filed the foregoing with the Clerk of Court using the CM/ECF. The Clerk of Court using the CM/ECF system will send notification of this filing to the following:

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